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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,041	07/25/2003	Fay M. Sommer	5898-000210	3729
27572	7590	09/27/2005		
HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER SHAH, MANISH S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,041

Applicant(s)

SOMMER ET AL.

Examiner

Manish S. Shah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recent Progress in color Management and Communications (# XP 002306034).

Recent Progress in Color Management and Communication discloses a four ink set (page: 62) including a cyan ink, a magenta ink, a yellow ink and a black ink, wherein a cyan ink with CIELAB colorimetric aim value of $L^* = 53.9$, $a^* = -35.9$, $b^* = -50.4$ and $\Delta E^*_{ab} = 6$; a magenta ink with CIELAB colorimetric aim value of $L^* = 46.3$, $a^* = 74.4$, $b^* = -4.8$ and $\Delta E^*_{ab} = 6$; a yellow ink with CIELAB colorimetric aim value of $L^* = 86.5$, $a^* = -6.6$, $b^* = 91.1$ and $\Delta E^*_{ab} = 6$ (page: 63; see Table: 1). They also disclose the step of applying a color profile in the color separation process, wherein the color profile is a profile on a substrate on which the color image is printed (page: 64, 65). They also disclose that the printing steps are performed by digital printing process using any kind of substrate (page: 64).

The reference (034), is not exactly matching the luminance values, they slightly differ. Apart from these small differences, the exact values for the luminance parameters are not essential for the alleged invention. In the description of the present

invention, figure: 1 and figure: 2 shows the CIELAB diagrams to show the advantage of the color gamut over the SWOP resp. hexachrome-gamut do not take into account the luminance-parameter of the triple values.

Therefore, varying the luminance values of the ink set cannot be regarded as being inventive and because of that the present reference (034) reads on the subject matter of claims 1, 6-9 & 14.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Recent Progress in color Management and Communications (# XP 002306034) in view of IPA Bulletin (# XP 002306035).

Recent Progress in Color Management and Communication discloses all the limitation of the ink set except that the ink have Status T optical density of about 1.5 for cyan, about 1.5 for the magenta, and about 1.15 for the yellow ink.

IPA bulletin teaches that to get the high density, and better printed image, ink have Status T optical density of about 1.5 for cyan, about 1.5 for the magenta, and about 1.15 for the yellow ink (see figure: 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink composition of Recent Progress in Color Management and Communication (034) by the aforementioned teaching of IPA Bulletin (035) in order to have the high density, and better printed image.

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3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recent Progress in color Management and Communications (# XP 002306034) in view of Kline (# US 5656331).

Recent Progress in Color Management and Communication discloses all the limitation of the ink set except that (1) the inks are heat set ink or cold set ink. (2) One or more of the inks includes one or more fluorescent materials.

Kline teaches that to get the printed image with metallic finish, inks are heat set ink or cold set ink. They also teaches that one or more of the inks includes one or more fluorescent materials (column: 9, line: 5-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink composition of Recent Progress in Color Management and Communication (034) by the aforementioned teaching of Kline in order to have the high density, metallic finish printed image.

Conclusion

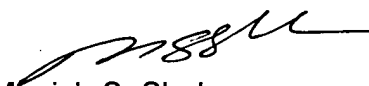
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

9/22/05